

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

**TAIWAN WALLACE, ROGER DAVIS,
MICHAEL STURDIVANT, GLEN FLOYD,
EMILY COLSON, BRODERICK BURNETT
and BRIDGETTE TATE, Individually and
on Behalf of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 4:22-cv-337-KGB

EVERGREEN PACKAGING, LLC

DEFENDANT

NOTICE OF RIGHT TO JOIN LAWSUIT

FROM: Mr. Josh Sanford
SANFORD LAW FIRM, PLLC
Kirkpatrick Plaza
10800 Financial Centre Parkway, Suite 510
Little Rock, Arkansas 72211
Telephone: (800) 615-4946
Facsimile: (888) 787-2040
E-mail: josh@sanfordlawfirm.com
Attorneys for Plaintiff

**TO: All Hourly Production Workers of Evergreen Packaging, LLC, in
Arkansas at any time since April 12, 2019.**

RE: Overtime wages lawsuit against Evergreen Packaging, LLC.

(1) TIME-SENSITIVE: Because the right to claim unpaid wages expires after three years, your right to unpaid wages, if any, may depend on the date on which you return the enclosed Consent form. YOU DO NOT HAVE TO JOIN THIS LAWSUIT BUT IF YOU DON'T, YOU WILL NOT RECOVER ANY MONEY AS A RESULT OF THIS LAWSUIT.

(2) INTRODUCTION: The purpose of this notice is to inform you of a pending collective action lawsuit in which you may be a member as a Plaintiff; to advise you of how your rights may be affected by this suit; and to instruct you on the procedure for participating in this suit.

IMPORTANT: CONSENT FORM DUE BY AUGUST 3, 2023

(3) DESCRIPTION OF THE LAWSUIT: Plaintiffs in this case are former Hourly Production Workers of Evergreen Packaging, LLC (“Defendant”). Plaintiffs filed a lawsuit against Defendant asserting that Defendant violated federal law in failing to pay its Hourly Production Workers correctly. Defendant denies Plaintiffs’ claims and allegations. Defendant asserts that they complied with the law, and properly compensated all employees.

If the case is not settled between the parties, a trial will be held at the United States District Court for the Eastern District of Arkansas in Little Rock. The Court has not ruled on or decided any of the issues, including the merits of the claims or defenses.

(4) COMPOSITION OF THE CLASS: Plaintiffs seek to sue on behalf of themselves and on behalf of all Hourly Production Workers who have been employed by Defendant at any time since April 12, 2019.

(5) EFFECT OF RELATED CASE: A previous lawsuit styled *Richard Carreno, et al. v. Evergreen Packaging, LLC*, 4:20-cv-1502-ERE (E.D. Ark. 2022) settled claims on behalf of hourly-paid employees of Evergreen Packaging, LLC who worked at its plant in Pine Bluff, Arkansas in the Super Cal Winder and/or Paper Machine #1 Departments between December 29, 2017, and October 14, 2021. If you joined that lawsuit, you may join this lawsuit as well, but your period of eligibility will be from October 14, 2021, forward, and you will be ineligible for damages prior to October 14, 2021.

(6) YOUR RIGHT TO PARTICIPATE IN THIS SUIT: If you fit the definition above, you may join this suit (that is, you may opt-in) provided that you file or cause to be filed the attached *Consent to Join* Collective Action **on or before August 3, 2023**.

Additional *Consent to Join* forms and information regarding the specific filing requirements are available from Plaintiffs’ attorney, Josh Sanford, Sanford Law Firm, PLLC, Kirkpatrick Plaza, 10800 Financial Centre Parkway, Suite 510, Little Rock, Arkansas 72211, (800) 615-4946, josh@sanfordlawfirm.com.

(7) JUDICIAL DISCLAIMER: The Court does not encourage or discourage participation in this case.

(8) EFFECT OF JOINING THIS SUIT: If you choose to join this suit, you will be bound by the judgment whether it is favorable or unfavorable. While the suit is proceeding you may be required to provide information, sit for depositions, and testify in court. You will not be required to pay attorney’s fees directly. Plaintiffs’ attorney will receive a part of any money judgment or settlement entered in favor of the collective.

It is important to understand that you are not necessarily entitled to recovery just because you were employed by Defendant as an Hourly Employee at some time since April 12, 2019. The Court will make a final decision about whether you are

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entitled to recover, and for what time period, if any, that you are entitled to recover. The Court has not made those decisions as of yet.

(9) EFFECT OF NOT JOINING THIS SUIT: If you choose not to join this suit, you will not be affected by the settlement of this case or any judgment, favorable or unfavorable. If you choose not to join this suit, you are free to file your own lawsuit. If you do not join this suit, however, its filing will not stop the running of the statute of limitations (deadlines) applicable to any claims you may have against the Defendant within the scope of the suit. If those deadlines expire before you file your own lawsuit, you may lose your rights. Accordingly, if you desire to file your own lawsuit, you should contact an attorney to preserve whatever rights you may have.

(10) COUNSEL FOR PLAINTIFFS AND COLLECTIVE: If you choose to join this suit, the named Plaintiffs through their attorney will represent your interests. Plaintiffs' attorney and the attorney for the collective is:

Mr. Josh Sanford
Sanford Law Firm, PLLC
Kirkpatrick Plaza
10800 Financial Centre Parkway, Suite 510
Little Rock, Arkansas 72211
Telephone: (800) 615-4946
Facsimile: (888) 787-2040
E-mail: josh@sanfordlawfirm.com

You also have a right to hire your own attorney and pursue your potential claims individually. If you sign a Consent to Join you agree that the attorney for the collective will represent you in this case.

(11) FURTHER INFORMATION: Further information about this suit, your rights to join in this action, information about filing a Consent to Join, and additional Consent to Join forms can be obtained by contacting Josh Sanford at (800) 615- 4946 or josh@sanfordlawfirm.com.

(12) RETALIATION PROHIBITED: The law prohibits anyone from discriminating or retaliating against you for taking part in this case. If you believe you have been discriminated or retaliated against in any way as a result of your receipt of this notice or election to participate in this lawsuit, you should contact your attorney immediately.

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